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Transcript of Public Hearing

Date: December 11, 2019

Case: Olney Acres & Macduff Avenue Sidewalk Proposal, In Re:

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DEPARTMENT OF TRANSPORTATION
FOR MONTGOMERY COUNTY

IN RE: :
PUBLIC HEARING FOR :
OLNEY ACRES AND MACDUFF :
AVENUE SIDEWALK PROPOSAL :

Recorded Hearing
Rockville, Maryland
Wednesday, December 11, 2019
7:02 p.m.

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Transcript of Public Hearing
Conducted on December 11, 2019

1 Recorded Hearing held pursuant to
2 agreement, before Michael Pawela, Notary Public of
3 the State of Maryland, at Cashell Elementary
4 School, 17101 Cashell Road, Rockville, Maryland,
5 20853.

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1 P R O C E E D I N G S

2 MR. PAYLOR: Good evening. It's
3 Wednesday, December the 11th, 2019, and the time
4 is approximately 7:00 p.m. We are assembled in
5 the all purpose room of the Cashell Elementary
6 School located 17101 Cashell Road, Rockville,
7 Maryland, 20853. My name is Michael Paylor,
8 designee at this hearing for the Montgomery County
9 Department of Transportation.

10 Here with me this evening to conduct
11 this public hearing is Mr. Tim Cupples, chief of
12 the Division of Transportation and Engineering for
13 the Montgomery County Department of Transportation
14 and also Mr. Frank Kingsley, manager of the Annual
15 Sidewalk Program in the Division of Transportation
16 and Engineering. Mr. Cupples will be providing
17 the information and details regarding the proposed
18 project.

19 Tonight we're broadcasting over the
20 Internet. Audio and video of this hearing is
21 being recorded and may be posted online after the
22 conclusion of this hearing. I hope that everyone
23 in attendance this evening signed in when you
24 entered the room and noted on the sign-in sheet
25 whether or not you wished to present oral

1 testimony.

2 If you have indicated that you do not
3 wish to speak but change your mind at any time
4 during the hearing there will be an opportunity to
5 speak at the end. Written comments can be
6 submitted as well and will be considered with the
7 same weight as oral testimony. If you have not
8 signed in yet please do so before leaving this
9 evening. Thank you for that.

10 This hearing is being held pursuant to
11 section 4953 of the Montgomery County Code. The
12 purpose of a public hearing is to obtain comments
13 on the potential project to assist in determining
14 if the project is in the best interests of the
15 public and whether or not it should be authorized
16 for construction in its entirety or any portion
17 thereof.

18 This forum allows you to provide
19 comments either in support for or in opposition to
20 the project. Your comments should be focused
21 entirely on the project which is the topic of
22 discussion. All interested persons are entitled
23 to be heard at this hearing. However, this is not
24 a forum for dialogue, questions or answers or
25 cross-examination.

1 Please direct your remarks to the
2 specific project that is the subject of this
3 hearing. If comments do stray into areas not
4 related to this project I will ask that you
5 refocus your comments on the subject project.
6 Following the conclusion of this public hearing
7 the record will remain open for five weeks to
8 allow for the upcoming holidays.

9 The official closing date will be
10 announced at the end of the hearing. The record
11 will remain open during this time to allow any
12 person who was unable to attend this hearing an
13 opportunity to have their comments included in the
14 public record and be fully considered.

15 Submissions may be faxed, E-mailed or
16 sent via regular mail and must be received or
17 postmarked by the close of the hearing record.
18 Written submissions will be considered with the
19 same weight as oral testimony. Submissions should
20 be sent to Lori Main who is up front operating the
21 webcam this evening. Lori's contact information
22 is available at the sign-in desk as you enter the
23 room and will be repeated at the conclusion of
24 this hearing.

25 After the hearing is concluded and the

1 record is officially closed I, as hearing officer,
2 will review and weigh all the information
3 submitted into the public record and make a
4 recommendation to the director of the Department
5 of Transportation, Chris Conklin, for his final
6 decision as to whether or not the project has been
7 shown to be in the best public interest and
8 whether or not to authorize the project as
9 proposed or any portions thereof.

10 And now to discuss the sidewalk
11 proposal for Macduff Avenue and Overwood,
12 Prestwood and Bettswood Drives I give you Tim
13 Cupples.

14 MR. CUPPLES: Good evening, Mr. Paylor,
15 Mr. Kingsley, ladies and gentlemen. The subject
16 of this evening's public hearing is to consider a
17 proposal to construct a 5-foot wide concrete
18 sidewalk with a variable zero to 3-foot green
19 space along the following roadways: The west side
20 of Overwood Drive from Morningwood Drive to the
21 property line between 17700 and 17701 Overwood
22 Drive, the south side of Prestwood Drive from
23 Cashell Road to Overwood Drive, the north side of
24 Bettswood Drive from Cashell Road to Overwood
25 Drive, and the south side of Macduff Avenue from

1 the existing sidewalk to Cherry Valley Drive.

2 For your convenience we have provided a
3 few displays that aid in the visual description of
4 this project. They are display A to my left, two
5 project vicinity maps showing the location of the
6 proposed sidewalks relative to nearby pedestrian
7 attractions such as schools, parks, public
8 transportation and the existing network of
9 sidewalks.

10 The proposed sidewalk is shown in red
11 and the existing sidewalks in blue. The total
12 length of the new sidewalk construction will be
13 approximately 5,664 total linear feet. Display B
14 is a typical section of the proposed sidewalks on
15 Overwood, Prestwood and Bettswood Drives, each of
16 which has a 60 foot -- each of which has 60 feet
17 of public right of way.

18 Each roadway is 20 feet wide. Thus,
19 there is approximately 20 feet of public right of
20 way available on either side of Overwood,
21 Prestwood and Bettswood Drives. Display C is a
22 typical section of the proposed sidewalk on
23 Macduff Avenue which has 60 feet of public right
24 of way, the roadway being 26 feet wide. Thus,
25 there is approximately 17 feet of public right of

1 way available on either side of Macduff Avenue.

2 I will now discuss the project
3 justification. MCDOT evaluates requests for
4 pedestrian facilities based upon their ability to
5 serve a public use as well as their ability to
6 enhance public safety. The main goal for
7 installing a sidewalk is to remove pedestrians
8 from the path of vehicular traffic and create a
9 separation between the pedestrian and the roadway.

10 New sidewalks on Overwood, Prestwood
11 and Bettswood Drives and Macduff Avenue will
12 remove pedestrians as well as disabled persons
13 from the roadway. The sidewalk will establish
14 safer access to all areas of the community
15 including to the Olney Acres Park, Cashell Road
16 Park, Norbeck Hills tot lot, Norbeck Hills pool,
17 community centers, churches, middle and high
18 schools and public transportation. Pedestrian
19 safety will be improved for the entire Olney Acres
20 and Cherrywood communities.

21 I will now discuss tree removal and
22 replacement. The removal of one tree is
23 anticipated to facilitate the construction of this
24 entire project. Three trees will be planted to
25 replace the one tree removed. Placement of the

1 new trees is selected by the county's arborist.
2 The tree protection report for each proposed
3 roadway can be viewed in the record binder at the
4 sign-in table under Exhibit 5. Copies of the tree
5 protection report were mailed to residents on
6 March 13th, 2019.

7 I will now discuss the cost and
8 assessments. The estimated cost for installing
9 this entire project is \$399,616.80. This includes
10 construction, inspection and administrative costs.
11 Funding for this project will be provided under
12 the county's annual sidewalk program, capital
13 improvements project number 0506747. There are no
14 properties which are considered to be specially
15 benefitted by the proposed improvement.
16 Therefore, no properties are expected to be
17 assessed.

18 I will now discuss the exhibits. As
19 previously discussed, there are several exhibits
20 incorporated into the public record for your
21 information and consideration. The exhibits are
22 located in the black binder located on the sign-in
23 table by Ms. Main's contact information. The
24 exhibits include 1, the Office of Management and
25 Budget sidewalk programs minor projects, project

1 number P506747; 2, project location maps; 3,
2 construction impacts; 4, cost estimates; 5,
3 arborists tree evaluation reports; 6, proof of
4 publication from the Washington Post and MCDOT's
5 Go Montgomery press release each advertising this
6 public hearing; 7, correspondence and comments
7 forms supporting the proposed sidewalks; 8,
8 correspondence and comment forms opposing the
9 proposed sidewalks; 9, the public hearing sign-in
10 sheet which is to be added following this hearing;
11 and 10, the hearing transcript which is also to be
12 added following the hearing.

13 Project related data and files have
14 been available for examination in the offices of
15 MCDOT located on the 4th floor of the public
16 safety building, 100 Edison Park Drive,
17 Gaithersburg, Maryland, 20878. The files will
18 continue to be available to the public until the
19 record for this public hearing is officially
20 closed.

21 The files are available for review by
22 contacting the Annual Sidewalk Program at
23 240-777-7270 and making an appointment. If the
24 proposed sidewalks are approved MCDOT will utilize
25 a work order contract currently in place with the

1 Division of Transportation and Engineering to
2 construct the sidewalk. If this project is
3 authorized we expect construction in the spring of
4 2020. Construction is anticipated to take
5 approximately six weeks to complete if authorized
6 as presented.

7 As previously stated, here with us this
8 evening is Mr. Frank Kingsley, manager of the
9 Annual Sidewalk Program. He will be available
10 after the hearing to answer any questions
11 regarding the construction aspects of this
12 project. I will now turn things over to Mr.
13 Paylor.

14 MR. PAYLOR: Thank you, Mr. Cupples.
15 We will now hear comments from those in attendance
16 who wish to testify. Please clearly provide your
17 name and address for the record prior to beginning
18 your testimony. Maria Glezos.

19 MS. GLEZOS: I didn't have anything
20 prepared because I didn't realize that we were
21 going to get a chance to speak, so just bear with
22 me. You know, one of my main things is I just
23 kind of think, you know, just because we can
24 doesn't mean we should.

25 I am opposed to the sidewalks. I'm all

1 for safety because I do feel like if there is some
2 areas where, you know, sidewalks are beneficial or
3 some kind of safety concern then, you know,
4 absolutely, but I live on Prestwood Drive -- I'm
5 sorry, 4508 Prestwood Drive.

6 MR. PAYLOR: Thank you.

7 MS. GLEZOS: And it's a very quiet
8 street. There's hardly any traffic on that
9 street. There's 11 houses on that street. It --
10 you know, it does lead to Cashell, but really I
11 work from home and I always observe the traffic
12 and there's just hardly any cars, so I want to
13 make sure there's the proper justification in
14 terms of the cost, and then we impact the
15 properties and then also, you know, the trees.

16 I have a beautiful -- it lays very low
17 -- a cherry tree, and to have it be pruned up like
18 six or eight feet because it would overlap I think
19 where the sidewalk would be might harm it. It
20 might harm it, and it's a beautiful, beautiful,
21 giant tree. If there was a way where that would
22 present a safety feature to me then I -- you know,
23 I would definitely consider it, but I just don't
24 see that.

25 We also have very small properties.

1 There's gullies where water streams through it.
2 I don't really fully understand how they would
3 kind of grade things so that the sidewalk would be
4 straight. My property from the edge moves down
5 like this. You know, there's certain obstructions
6 that I'm not really clear on, but I won't go into
7 it because that's more of a question.

8 I am encouraged to hear that you would
9 consider a portion of the consideration of what
10 you're planning. I am a little concerned if the
11 sidewalks do go in whose responsibility is it to
12 keep them clean of snow and ice and what happens
13 if somebody slips on the sidewalk in front of your
14 house. That's a concern as well.

15 You know, I don't really have any other
16 comments. I just want to make sure that it's a
17 fully justified thing. If something can be put on
18 our street to just sort of measure how many cars
19 do, in fact, go by so that it can be viewed and
20 justified that there's enough traffic, but we
21 don't live -- Prestwood is not near the park.
22 It's not near public transportation. It's just a
23 very, very, very quiet street, but thank you for
24 listening. I appreciate it.

25 MR. PAYLOR: Thank you, Maria. Margie

1 Williams and/or Jack Scott.

2 MS. WILLIAMS: Hi. Thank you for the
3 opportunity to speak at this hearing and for all
4 your work in considering the proposal for adding
5 sidewalks to the community around Cashell. I am
6 Margie Williams. I live at 17305 Guttenburg Court
7 off Macduff Avenue, and we support extension of
8 the sidewalk along the side south of Macduff.

9 A sidewalk benefits everyone who lives
10 in this community from the people walking their
11 dogs to those who are just out for a bit of
12 exercise, and to kids walking to and from school
13 at Cashell. Right now people walking along
14 Macduff can use the sidewalk that begins at Hines
15 Road and stops at roughly in the middle of the
16 neighborhood.

17 To continue people must leave the
18 sidewalk and enter the road. Being on the road,
19 especially at a busy time of day when children go
20 to school and adults are rushing to work, is
21 unsafe generally and even more so now that drivers
22 are distracted. As we've heard repeatedly on the
23 news, distracted drivers are a risk to others on
24 the road, especially pedestrians.

25 The National Highway Transportation

1 Safety Administration reports that roads with
2 sidewalks are twice as safe for pedestrians as
3 those that are not. Connecting the existing
4 sidewalk a mere two-tenths of a mile to Cherry
5 Valley creates a continuous loop around the school
6 and surrounding area to keep pedestrians, all
7 pedestrians safer. Not only do -- the more than
8 70 houses in the Macduff and connecting streets
9 area would have the benefit of a safer walk, but
10 so would the residents of Cherry Valley, Cashell
11 and Hines.

12 Extension would allow more people in
13 the area to walk to Cashell either for a school or
14 community events such as the baseball games and
15 soccer games that occur on the field adjacent, and
16 of course people walking instead of driving offer
17 the benefits of fewer carbon emissions, happier
18 and healthier members of the community who feel
19 connected to one another and an increased
20 walkability score for new home buyers interested
21 in the area.

22 This community has been working
23 together support for a sidewalk since we first
24 submitted the request in 2017, and I can say that
25 at least for the Macduff area the community

1 supports the extension. I have letters from the
2 Cashell principal and the PTA president, both of
3 whom note the frequency of kids walking to school
4 on Macduff and how unsafe the conditions can be
5 for them.

6 We have also submitted letters of
7 support from the community. We went around -- my
8 son and I went around and gathered signatures in
9 our neighborhood to support the sidewalk, although
10 we proposed a slightly different version of it.
11 We recognize that there will be people who will be
12 inconvenienced by the construction, but the
13 benefit of more sidewalk access to them and a
14 safer path for children to walk to school far
15 outweighs those concerns. Thank you, and now my
16 son would like to say something.

17 MR. SCOTT: My name is Jack Scott, and
18 before I begin I would like to say I'm happy to
19 have a say in this hearing. I think there should
20 be a sidewalk in between the cutoff on Macduff
21 Avenue and Cashell. This would be very helpful
22 because walking on the road is very unsafe. This
23 is so because drivers are distracted on their way
24 to work, but walking on a sidewalk is a lot safer.

25 No cars can run you over and your shoes

1 don't get muddy and wet, so you can stop the
2 course of the future so you don't have to get the
3 mud out of your shoes, out of the bottom of your
4 shoes. That is why I think there should be a
5 sidewalk in between Macduff Avenue and Cashell.
6 Happy holidays to you all. Sincerely, Jack.

7 (Applause.)

8 MR. PAYLOR: Thank you, Margie. Thank
9 you, Jack. Jodie Pope.

10 MS. POPE: Hi. My name is Jodie Pope.
11 I live at 4500 Prestwood Drive in Olney Acres. I
12 can only speak for Olney Acres. I'm not familiar
13 with Macduff Avenue at all, but our neighborhood
14 is a very small and peaceful community.

15 I actually live on the corner of
16 Prestwood and Overwood, so these sidewalks will
17 affect the whole surrounding of my home. I'm this
18 house here. There's low traffic. We're basically
19 a low traffic and mostly natural landscape
20 community. The roads where the sidewalks are
21 proposed are all dead ends and only used by local
22 residents, and they're not cut-through roads used
23 by commuters.

24 The sidewalks to the addition of these
25 roads in my opinion is not necessary for the

1 safety of the citizens in Olney Acres. It will
2 take away from the aesthetics of our properties.
3 It will increase the storm water runoff in this
4 area which is already very large.

5 It will increase the pollution due to
6 this runoff and the de-icing products that will be
7 applied to the sidewalks to keep them clear, as
8 well as possibly kill some of the trees that are
9 mostly on my property due to instability as well
10 as the root pruning that is most likely going to
11 happen when you air excavate the area around my
12 place, and I also think it's just a waste of tax
13 dollars.

14 I think these tax dollars could be used
15 in our community for other roads that need
16 sidewalks. The roads that I see every day that
17 need sidewalks are Bready as well as Muncaster
18 Mill, Bowie Mill, ICC could be extended over to
19 I-270 and have sidewalks so people could actually
20 commute with their bicycles to work and take some
21 of the cars off the roads to begin with.

22 They could also be used to keep the
23 brush clear on the sidewalks on Cashell Road. I
24 bike regularly on that road, and in the summertime
25 it's hard to really get down it because it's not

1 kept clear. It could also be used to fix the
2 sidewalks on Morningwood Drive that I walk
3 regularly, and because the trees are planted too
4 close to the sidewalks they've buckled and there's
5 little asphalt patches that make little ramps that
6 make these sidewalks look awful and they're
7 tripping hazards too, so that's something that I
8 think could be better put our money to use for.

9 I also -- like I said, I'm concerned
10 about the damage to the trees. Seven of the trees
11 that this sidewalk is going to go next to are on
12 my property on Overwood. They all line the
13 property about 15 feet from the sidewalk. They're
14 over 70 feet tall and they've been there since
15 before I was born, over 50 years ago.

16 I've done some research and I'm very
17 concerned that this root pruning is going to, if
18 not cause instability which could damage my house
19 or my neighbor's house or hurt one of us, it's
20 going to cause damage to the tree that might not
21 be seen for up to a decade, and I'm concerned who
22 is going to take care of these trees in 10 years
23 when they're dying from what's done to them today.

24 The tolerances that are left for root
25 pruning based on what I've looked up are very

1 unsettling to me. Less than -- well, I was
2 thinking of a two-foot green space. Three foot it
3 actually is even more unsettling, so that is
4 concerning to me, and what's going to happen when
5 these roots start growing back into these
6 sidewalks and they start uplifting like on
7 Morningwood.

8 Are we going to have little asphalt
9 ramps to patch them because that's not going to
10 look good at all and it's going to be a tripping
11 hazard as well, so I'm just not down with that,
12 and I think it's going to make our properties look
13 bad. I mean, we have these open ditches, as Maria
14 has mentioned. I'm concerned how they're going to
15 be redone so there's not anywhere between an 8- to
16 18-inch dropoff on the side towards our
17 properties.

18 And we also all have smooth, nice,
19 beautiful asphalt driveways that we seal regularly
20 and take care of, and you're proposing to rip
21 those up and put concrete curbs and aprons,
22 whatever you call them, and like was done on
23 Morningwood Drive, and although I hated to see
24 those people, I mean, I think Morningwood Drive
25 needed the sidewalks that were put in several

1 years back or whatever, but their driveways looked
2 awful.

3 I felt sorry for the property owners, I
4 truly did, and I was thinking God, I'm so glad I
5 live on a dead-end road where there's not commuter
6 traffic going through and I don't have to worry
7 about my driveway having that happen. Well, now
8 me and a lot of my neighbors are having that
9 happen maybe, hopefully not.

10 And yeah, so it's going to really take
11 away -- it's over -- it's almost 24,000 square
12 feet of concrete that you're proposing just in
13 Olney Acres to put down so it's a lot of concrete,
14 and yeah, and so I'm not alone. I'm glad to hear
15 other people go around asking people's opinions.
16 I scoured my neighborhood and I was able to talk
17 to 36 homes and I'd like to submit this petition
18 to you guys if I could because 22 of us signed it
19 and that's -- of the people I was able to get a
20 hold of that's 61 percent of us in Olney Acres
21 that are opposed to this.

22 And I have a map for you guys to see of
23 who signed and who didn't and the complaint I took
24 if I was able to talk to them, and if the
25 properties are affected that's up to 65 percent,

1 so I do hope you'll take this into consideration,
2 and like I said I'm not speaking for Macduff. It
3 sounds like you guys probably do need sidewalks
4 because you're a cut-through street, but we're
5 not.

6 I've been there since August 2014. The
7 kids parents -- the school bus stop is right
8 across from my house. They park there at 8:30
9 a.m. to let their kids out and hang out with them.
10 There's no cars that they're blocking or holding
11 up because there's no cut-through traffic, and so
12 I'm in opposition and I would like you to please
13 take this because it has signatures of the
14 neighbors that are not here tonight, so thank you.

15 MR. PAYLOR: Thank you so much, Ms.
16 Pope. Thank you, Ms. Pope. Myra Cannon.

17 MS. CANNON: First of all, I've lived
18 in my house --

19 MR. PAYLOR: Ms. Cannon, could you step
20 up to the microphone?

21 MS. CANNON: Oh, I'm sorry, yeah.

22 MR. PAYLOR: Thank you.

23 MS. CANNON: First of all, I've lived
24 in my home for -- since 1972, almost 50 years in
25 this subdivision. I understand that if they do

1 come down in my court that they're going to stop
2 in the middle of it and not completely go around,
3 which will not look good.

4 I understand there's courts -- there's
5 a court on Bettswood that they're not even going
6 into, which they would go into my court which I
7 don't understand. My whole front will be
8 destroyed. I've got pictures here to show you the
9 shrubs and everything will be gone, and everything
10 will be up to the terrace.

11 All that will be gone here in the
12 front, and I'm very upset. My husband planted all
13 that years ago and we've maintained it, and it'll
14 just destroy my whole front. There will be
15 nothing left. I'm thinking that when the houses
16 went up that's when the sidewalks should have gone
17 in, not now.

18 We've all lived there without
19 sidewalks. We've been fine. It's a quiet
20 neighborhood. I think that sidewalks will look
21 tacky, I really do. (Inaudible), and then going
22 around in a circle, we don't have that much area
23 to go around in a circle anyway, but I'm just so
24 opposed of it I just can't tell you enough after
25 being there since 1972.

1 We're the original owners, and like I
2 say we've kept it, kept all that property up. We
3 keep the court. We even cut the court and all
4 that, keep it, but I just can't see it after all
5 this time doing something like this because we're
6 perfectly all right as far as I'm concerned.

7 Everything looks beautiful. People
8 keep their places nice. Their property to the
9 road is always kept nice, everybody, but to have
10 this done now it's just not feasible to me, and
11 thank you for listening and I am Myra Cannon,
12 17704 Overwood Drive. Thank you.

13 MR. PAYLOR: Thank you. Thank you, Ms.
14 Cannon.

15 MS. CANNON: You're welcome.

16 MR. PAYLOR: Lee and Alexandra Curtis,
17 or Lee or Alexandra Curtis.

18 MR. CURTIS: We're also long time
19 residents. We live on Macduff, so I guess we
20 represent a different perspective. We've been
21 living in our house for 33 years. We raised our
22 kids in the neighborhood and we never identified
23 any issue of safety to either our children or
24 others.

25 We do also, you know, have concerns as

1 some others had expressed about the cost of the
2 project, the size of the project. I guess we're
3 talking about a sidewalk that's going to be
4 approximately 1100 feet long. It's going to be
5 five feet wide and it's going to be a pretty
6 massive amount of concrete.

7 In terms of macro issues one thing that
8 seems to be totally overlooked in terms of the
9 notion of, you know, providing access to Cashell
10 Elementary School is that there's already an
11 existing partial sidewalk right here on your map,
12 and there is sidewalk that comes out of the
13 community right here, goes along the side of the
14 ball fields that were being described where it was
15 indicated that it would be very nice if not
16 helpful to have ready access to the ball fields.

17 There's a sidewalk here. It's not
18 significantly used, and there is a gap of
19 approximately 200 feet between the end of that
20 sidewalk and the beginning of the sidewalk that
21 runs out of this community. That sidewalk
22 connects with this sidewalk which runs right up to
23 the front of the Cashell Elementary School, so
24 your project is talking about building a sidewalk
25 that's going to be 1100 feet long when it would

1 appear that a sidewalk that's approximately 200
2 feet long would provide substantially the same
3 benefits.

4 To the extent that somebody is
5 indicating that people from Guttenburg and other
6 locations over here, they would have a shorter and
7 safer walk, you know, far from the roads to the
8 extent that they would use the existing sidewalk
9 that's not reflected on this map. That's kind of
10 a macro issue.

11 In terms of a micro issue I guess we're
12 right there, and to the extent that you indicate
13 that you're going to build a sidewalk that's only
14 going to take up 8 feet of space I can tell you
15 right now you show the sidewalk, meaning up here.
16 The existing sidewalk extends approximately 14 and
17 a half feet into the property of our neighbor
18 that's adjacent here.

19 We have a driveway that's approximately
20 here and that driveway, when we moved in we were
21 advised that we couldn't have a pipe under the
22 driveway because of the drainage considerations
23 there, but the notes that you've provided in the
24 letter would indicate that the adjustments that
25 would be made would try to put a pipe under our

1 driveway.

2 At the time that we moved in I think it
3 was the Montgomery County Engineering Department
4 who had placed driveways with pipes underneath
5 them at these two locations, advised us when we
6 asked no, it can't be done because of drainage
7 considerations. Additionally, there is a drainage
8 structure right here. There's an indication in
9 the notes that there might have to be some
10 adjustment of a drainage structure.

11 I don't know what they have in mind,
12 but to the extent that you are going to fill in
13 significant amounts of the swale in order to
14 provide a flat space of eight feet just south of
15 the roadway you're going to have to fill in a
16 substantial amount of that swale. I don't know
17 how much reengineering and restructuring would
18 have to be done to the drainage, but it looks like
19 to us it would be substantial.

20 I would also echo the comments that
21 aesthetically I think it makes the neighborhood
22 look worse, and I think that we chose our
23 properties with that in mind recognizing that
24 there was an easement but believing that there
25 would only have to be a real significant necessity

1 to build sidewalks across our property, especially
2 given the fact that there was a sidewalk here
3 that's probably half constructed that can connect
4 up with this and leads directly to the elementary
5 school, so that's our concerns. Thanks.

6 MR. PAYLOR: Thank you, Mr. Curtis.
7 Dean Duhon.

8 MR. DEAN: Good evening. How's
9 everyone doing? It's good to see some familiar
10 faces here. Dean Duhon, 4605 Bettswood Drive. I
11 am very much in support of the sidewalks. I know
12 that may upset some of you guys here. I
13 appreciate the passion of some of you people
14 against it, but really my reasons are selfish, and
15 I'll be very forthcoming with that.

16 I have a five year old and a two year
17 old. When I was in my early 30s without children
18 I didn't think much about sidewalks. You know, it
19 wasn't a big deal to me, but now that I'm raising
20 two children I'm outside with them frequently in
21 the neighborhood walking around taking them on
22 walks to the playground, neighbors houses, so on
23 and so forth, and that's really it.

24 It's not just my children, but some of
25 the other people that I know that are here tonight

1 and that aren't here tonight, we all feel strongly
2 about it. When they're ready to go to school, of
3 that age walking to the bus stop I know
4 (inaudible) but as a parent, I mean, gosh, it's
5 your worst nightmare to think that something like
6 that could happen, and I think of something like
7 this that could prevent it I'm all for it.

8 I'd like to -- Jack did a great job of
9 -- really he stole all my thunder so I don't have
10 much to add to that, but I guess the one thing I
11 will say for -- I'm sorry. I forgot your name.

12 MS. CANNON: Myra.

13 MR. DEAN: Myra. I love Myra, we come
14 every day -- here for Thanksgiving. I don't see
15 much of a need for the hook, so as much -- I'd
16 like to preserve your property as well, but that's
17 it. Again, very selfish, but really for -- if you
18 guys see I live on Bettswood Drive, so to see
19 garbage trucks, recycle trucks come down that road
20 it's a pretty steep hill. They come faster than
21 they need to. I'm sure I've been guilty of it in
22 a rush from time to time as well, so that's all
23 I've got to say. Thank you.

24 MR. PAYLOR: Thank you, Mr. Duhon.
25 Eric Porrgard.

1 MR. PORRGARD: My name is Eric
2 Porrgard. I live at 4520 Prestwood Drive. I'm
3 relatively new to the neighborhood. We moved in
4 about two months ago, so take what I have with a
5 grain of salt. I'm not particularly familiar with
6 the Macduff neighborhood, but as far as our
7 situation on Prestwood I feel like it's currently
8 extremely walkable.

9 My wife and I go with our two-year-old
10 daughter, almost every week we walk from Prestwood
11 over to Overwood Drive to the nearby playground
12 and we've had zero incidents. I feel like the
13 drivers in this neighborhood are all either
14 residents or they're lost because all the streets
15 that are proposed here are -- they're not through
16 streets.

17 They disconnect through the
18 neighborhood, and don't get me wrong, I'm all in
19 favor of sidewalks for safety. I love to go for a
20 jog on Cashell and Morningwood. They provide very
21 easy access to Cashell Elementary and to the town
22 center respectively, and we did hear the National
23 Highway Transportation and Safety Administration
24 has shown that the risk of accidents on roads with
25 sidewalks is significantly lower, but that's one

1 of a dozen features that they have identified as
2 making roads safer.

3 In addition to that, having narrow
4 streets as is the case on Prestwood and on-street
5 parking as again is the case on Prestwood is also
6 shown to significantly reduce the speed of drivers
7 and therefore the safety, and I don't feel like,
8 you know, especially as a father myself, I would
9 feel very comfortable having my kids play on this
10 street.

11 I've seen other older kids play on the
12 street, and so given the cost of this project I'm
13 just concerned that there are potentially several
14 other better uses for these dollars. Thanks.

15 MR. PAYLOR: Thank you, Mr. Porrgard.
16 Mirna Terceko or Terceko.

17 MS. TERCEKO: I am not going to take
18 too much time of yours up. Okay. I live on the
19 property 4504 Prestwood Drive. I've been living
20 in that property for 20 years. This is a very
21 quiet neighborhood. My property is between
22 Jolly's (phonetic) and Maria, and I have the same
23 reasons that they expressed to oppose to the
24 project, and the only thing that I need to add is
25 that that would create more work besides it's

1 going to take a lot of, you know, our property to
2 build the sidewalks.

3 It's going to create a work and
4 liability on our side. You know, even when it
5 snows we will have more, you know, work to do
6 cleaning the streets using chemicals that will
7 damage, you know, the earth so, you know, I am
8 opposed to that. I am not against safety like
9 they said, but on the main streets. Ours is not a
10 main street. We have never had any incidents. We
11 see kids playing around, walking, people walking
12 their dogs, and we haven't had any accidents or
13 issues, so that's all I want to say.

14 MR. PAYLOR: Could you say your name
15 for the record?

16 MS. TERCEKO: Mirna Terceko.

17 MR. PAYLOR: Mirna.

18 MS. TERCEKO: Mirna Terceko. Thank
19 you.

20 MR. PAYLOR: Thank you, Ms. Terceko.
21 Louis Wilen, or is it Wilen?

22 MR. WILEN: Wilen.

23 MR. PAYLOR: Wilen.

24 MR. WILEN: Good evening. My name is
25 Louis Wilen, and I live at 17101 Macduff Avenue,

1 and as you can see from the sign-in sheet I
2 checked both boxes for and against because I'm not
3 really for or against the sidewalk, but my -- I
4 hope that's okay.

5 My concern is just if the sidewalk does
6 go in it really needs to be a first class job with
7 really correct drainage, level, not -- or at least
8 following the contour of the grading of the land
9 in general and not something that looks like a
10 shoe horn, you know, afterthought.

11 There's enough issues with just getting
12 the county to maintain our streets. They're in
13 terrible cracked condition, and so we don't want
14 the sidewalk to make things look even worse if it
15 goes in. We want things to be better. That's all
16 I have. Thanks.

17 MR. PAYLOR: Thank you, Mr. Wilen.
18 Kirk Grothe.

19 MR. GROTHE: Hi. Good evening. My
20 name is Kirk Grothe. I live at 4635 Bettswood
21 Drive. I am in support of these sidewalks. I
22 live in the second house in on Bettswood Drive
23 next to where Dr. Soli had his practice. We can
24 see a direct increase in traffic on the main road,
25 and being the second house in quite often we have

1 people coming in, turning around.

2 There's also a bus stop right out in
3 front of us, and at the next street over on
4 Prestwood there's also a bus stop but there are
5 sidewalks for the children there. If you're
6 considering a partial solution, because I know
7 there's some opposition in the neighborhood, I
8 would encourage you to consider Bettswood Drive
9 coming down at least from the entranceway to at
10 least the cul-de-sac and maybe down all the way to
11 4601.

12 Through the back here it does get kind
13 of tight. I think that there is probably
14 sufficient space in the main area, and for people
15 coming out around who walk their dog it is quite a
16 slope coming down. The other gentleman who spoke
17 about the trucks and other things coming down,
18 we've experienced it.

19 I'm fortunate for the families who
20 haven't experienced anything with cars and other
21 things but my neighbors lost a mailbox, people
22 turning around. We've had quite a bit of other
23 traffic that's went through, and I think depending
24 on where you are in the road, you know, in the
25 neighborhood you may have a little bit of a

1 different experience, so I'm not suggesting it's
2 the best solution for the entirety of the
3 neighborhood.

4 I would, however, suggest that from
5 coming off Cashell at least partway down the road
6 consider it, so if you're not going to do Overwood
7 perhaps consider coming down Bettswood. The folks
8 who live on Prestwood and the remainder of
9 Overwood probably know their streets best, so I
10 won't comment on that. I can only speak to my
11 personal experience and what we're seeing.

12 I've also noticed from the turnover
13 perspective, I've been here 10 years now just
14 about, I guess nine and a half, and there's
15 myself, two, three -- seven families that also
16 have smaller kids, so I think what you're seeing
17 is long-time residents who have been here and
18 you're also seeing folks, a changeover of the
19 neighborhood who may either have a different
20 expectation or just a different side.

21 I can tell you that as somebody who
22 lives pretty close to Cashell we're seeing the
23 temporary stop lights that come in and hit people
24 with traffic further up. We probably need to see
25 those closer to us. There's quite a bit of extra

1 traffic. There's two new neighborhoods off Bowie
2 Mill Road and off Muncaster Mill that have added
3 to the traffic pattern.

4 We see a lot more turn arounds up on
5 our side of the street, and for that reason,
6 especially as more kids move up to go through
7 Bettswood and Overwood as the neighborhood turns
8 over, if that traffic pattern continues it might
9 make sense to have at least some level of
10 sidewalks for safety and moving back and forth on
11 the bus. Thank you.

12 MR. PAYLOR: Thank you very much. That
13 concludes the -- I stand corrected. Joe
14 Persinger.

15 MR. PERSINGER: How are you doing? I'm
16 Joe Persinger. I live at 17917 Overwood. We are
17 right here at the -- sort of at the top of this
18 big hill that comes down. We're right across the
19 street from the park. We have three kids, one who
20 is seven and we have twin girls that are four, and
21 I can tell you that this curve right here as soon
22 as people come around this curve, especially
23 delivery trucks, people really start to accelerate
24 as they come down this hill.

25 And, you know, we've cautioned our kids

1 against it, especially as they go across the
2 street to the park, but it does seem pretty unsafe
3 to me to have kids out on this part of the street.
4 There are kids in the neighborhood that I see
5 periodically going up to the park. I see people
6 walking their kids to the park, and every time I
7 think wouldn't it be nice if they had a sidewalk
8 to walk on so they don't have to contend with the
9 delivery trucks.

10 We don't have people parking across the
11 street that often because there are no houses
12 there, so again there's nothing to slow down the
13 incoming cars. There's also -- this curve right
14 here is a pretty blind curve, and our son rides
15 his bike on the street and we say okay, really,
16 you got to like get off your bike when you're
17 going around this and walk off in the mud because
18 you don't know who's coming around that corner.

19 So I definitely think a sidewalk would
20 benefit, you know, anybody going to the park and
21 anybody in our neighborhood with kids, and there
22 definitely has been some turnover. There's a new
23 family that just moved in, I believe they're at
24 17908. They have -- I don't know how old she is,
25 but somebody under the age of 13 I think. You

1 know, you just see more and more of that, so I am
2 in favor of the sidewalk. Thank you.

3 MR. PAYLOR: Thank you so much. That
4 concludes the speakers who have expressed an
5 interest in speaking tonight. Is there anyone
6 else who did not sign in as a speaker who now
7 wishes to speak? Please come up and state your
8 name and your address for the record.

9 MS. DEBOLD: Hi. My name is Aldona
10 DeBold, and I live at -- on the blind curve, 17812
11 Overwood Drive. I've been a resident of Olney
12 Acres for over 30 years, raised my three children
13 and have young children that sometimes I take care
14 of, and I have -- and dogs that I've had to walk
15 through the neighborhood.

16 I've never felt that my children or
17 myself or my animal was in danger. If a car is
18 coming I simply take a step over and walk on the
19 grass. It's not a big deal. I think pouring a
20 whole bunch of concrete on a neighborhood where
21 it's a quiet and kind of a rural kind of
22 neighborhood, it's just -- the environmental
23 impact is bad.

24 There's a stream on the other side of
25 Overwood Drive, and I think the runoff from the

1 extra concrete will be not good. I'm also
2 interested why -- in Olney Acres we do have
3 another street called Birchwood Drive, why they
4 are not included in this plan. I drove down that
5 road the other day and it's, you know, similar
6 situations there, so we have some pine trees on
7 the blind curve which probably drives some of you
8 guys crazy.

9 I don't mind them being trimmed up, but
10 the roots being trimmed is a problem. It's on an
11 incline. We have already lost one tree during a
12 snow -- ice storm. It just fell off into the
13 street, so I think that might happen again if you
14 trim the roots, so -- I'm all for safety. I drive
15 carefully. Maybe calming bumps near the blind
16 curve would be a good idea or at the top of
17 Overwood Drive instead of a sidewalk.

18 You know, I just also was worried about
19 the Darnell water main update, the plan they had
20 to update the water main, and there I got a notice
21 from WSSC they want to put a hydrant on my
22 property, too. Also it's about -- it's over a
23 hundred feet in front of my yard. Who is going
24 to, you know, shovel a hundred feet and then have
25 the snow plow come and all the snow is back on the

1 sidewalk. You know, it just doesn't compete for
2 me, so thank you for listening.

3 MR. PAYLOR: Thank you, Ms. DeBold. Is
4 there anyone else who would like to speak at this
5 time? State your name and your address for the
6 record, sir.

7 MR. DEBOLD: Hi. I'm Dan DeBold. That
8 was my wife Aldona and I live right here on this
9 corner, 17812, and I'll be the one shoveling it
10 and I'm not getting any younger, but if you want
11 to -- I don't want the sidewalks because the
12 neighborhood is really nice now and it's been
13 there over 50 years. Why all of a sudden now do
14 you have all this money and to pay for sidewalks
15 and why put concrete in.

16 If you walk around Olney and look at
17 the concrete sidewalks they're all pitched. Some
18 of them have pitched like a foot and then they put
19 asphalt and it's ugly, so it's going to make the
20 neighborhood really ugly over time. The other
21 issue is if you want to put sidewalks in why don't
22 you do something like pavers or cobblestones,
23 something that's appealing, something that's good
24 for the environment. Concrete is just ugly.

25 MR. PAYLOR: Thank you, Mr. DeBold. Is

1 there anyone else who did not sign in as a speaker
2 who would like to speak?

3 MS. GALLAGHER: I'm Frances Gallagher,
4 4201 Alfalfa Terrace. I've been here 33 years
5 since the houses were built. I've watched the
6 whole neighborhood change hands except for maybe
7 three houses. We have the longest front yard
8 right here, 4201. The school bus stops right
9 here. The snow plows push everything down here to
10 our part right here.

11 They've pushed all the cul-de-sac right
12 there. Our house shades that front lawn. The
13 street -- if you put the sidewalk right next to
14 the street that's level, but then you have the
15 gully where you need that drainage and it runs
16 like a river when it's raining or that snow takes
17 forever because this is a shaded front yard.

18 We have shoveled it off of the street
19 because nobody shovels the street until the last
20 -- the whole neighborhood. Our whole neighborhood
21 came out once and had to do the whole street.
22 Everybody that pushes the snow over here, my
23 husband and I have had to push it back out to get
24 out of our driveway. They always wait until
25 everybody does their driveway and then they block

1 us all in.

2 We don't need the sidewalks because
3 like he said you can cut right through and get to
4 the school. Kids have been going into our
5 cul-de-sac. There's -- one of the neighbors has a
6 gate that goes right to the school. Another
7 neighbor had a gate that went right to the school.
8 I'm the nosy neighbor that watches out for the
9 kids that are in the street.

10 Dogs, I don't want people walking their
11 dogs. They walk them now on a leash and let the
12 leash go up right up to the porch. They throw
13 their little bags of stuff in the bushes and if
14 you have that eight foot, like five foot of
15 sidewalk, three foot of green space you're going
16 to have -- these people are closer. They're going
17 to be up on your porch with the dog poop and we
18 just don't need the sidewalk. This is my first
19 time speaking in public, so --

20 (Applause.)

21 MR. PAYLOR: Thank you, Ms. Gallagher.
22 Is there anyone else who did not sign in as a
23 speaker who now wishes to speak? Please state
24 your name and your address for the record.

25 MR. BURHOE: I too don't really speak

1 in public very often. You're probably going to
2 kick me out of here because I'm here representing
3 residents of 4612 Prestwood Drive, my in-laws.
4 They've lived here for close to two decades. They
5 have expressed their concerns about the impact
6 it's going to have on their front yard.

7 It's going to be right over the
8 drainage area, so they're not sure exactly how
9 that's going to work. They have a great driveway
10 that's going to get torn up, but the aesthetics of
11 it aside I don't understand, and this is going to
12 be rhetorical because you're not going to answer
13 me, what made you choose one side of the street
14 over the other.

15 The evens on that street have the
16 drainage, have the hills in some of their front
17 yards, a lot of trees, a lot of bushes, mail
18 boxes, whatever. The other side of the street
19 seems to be an easier route, no offense to the odd
20 numbers.

21 I've been a police officer for 15
22 years. I used to work in Olney. I worked there
23 for close to six, seven. I have patrolled this
24 neighborhood for all that time and I have never
25 seen any safety concerns whatsoever. I've never

1 run a PIC there as far as pedestrian involved.
2 Obviously PICs happens with cars, but I've never
3 run a pedestrian collision on Prestwood,
4 Bettswood, Overwood.

5 I am familiar with this area around the
6 park. I wouldn't see a problem with, you know,
7 doing something maybe along in front of the park.
8 I have a six year old that my in-laws take care of
9 on a daily basis when I'm at work, when we're both
10 at work, and I've never had an issue with them
11 taking him for a walk. They used to push him
12 around in one of those little plastic cars every
13 morning. You probably saw them.

14 They would be here but they don't speak
15 very good English and it's past their bedtime, but
16 they're opposed to it. I know that, you know,
17 there's sides -- you know, opinions on both sides,
18 but as far as I'm concerned I don't see the
19 benefits of the cost with the lack of safety
20 concerns in my opinion.

21 MR. PAYLOR: Thank you. Thank you so
22 much. Is there anyone else who didn't sign in as
23 a speaker who now wishes to speak? Very well.
24 Thank you for all your comments. Seeing that
25 everyone who wishes to speak has had an

1 opportunity to do so, this concludes the oral
2 testimony portion of this public hearing.

3 Due to the upcoming holidays we will
4 keep the record open for five weeks closing on
5 Wednesday, January 15th, 2020 at 6:00 p.m.
6 Addition written testimony may be submitted by
7 fax, E-mail or regular mail, and must be received
8 or postmarked by the close of this hearing record.

9 Submissions should be sent to Lori
10 Main, Annual Sidewalk Program, Division of
11 Transportation and Engineering, MCDOT, 100 Edison
12 Park Drive, 4th floor, Gaithersburg, Maryland,
13 20878, fax number 240-777-7277 or by E-mail at
14 dte.sidewalk@montgomerycountymd.gov. Again,
15 Lori's contact information is available at the
16 sign-in table. Thank you, and this public hearing
17 is now concluded.

18 (The Recorded Hearing was concluded at
19 8:00 p.m.)

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CERTIFICATE OF COURT REPORTER

I, Michael Pawela, the officer before whom the foregoing proceedings were taken, do hereby certify that said proceedings were electronically recorded by me; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.



Michael Pawela, Court Reporter

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CERTIFICATE OF TRANSCRIBER

I, Bonnie K. Panek, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Bonnie K. Panek

BONNIE K. PANEK

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